IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.28555-M of 2007
Date of Decision:- 07.05.2007

Birsa Singh & ors. ....Petitioner(s)

through
Mr.Chetan Mittal, Advocate

vs.

Subhash ....Respondent(s)

through

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of complaint under Sections148/149/323/354/506 and 34 IPC and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as well as the summoning order dated 15.4.2006 (Annexure P-6) passed therein. In addition to some other ancillary contentions, it is argued on behalf of the petitioners that the aforesaid complaint has been filed as a counter-blast to F.I.R.No.231 dated 10.4.2005 in which the persons from the complainant party are facing trial under Sections 148/149/323/324/307/325 and 506 IPC.

A reference to yet another criminal complaint filed by the complainant party, a copy of which has been placed on record as Annexure P-1, as well as the summoning order passed therein, has also been made in order to contend that different occurrences mentioned in both the

complaints are alleged to have taken place on the same day at the same time.

After hearing learned counsel for the petitioners and having regard to the fact that the pleas taken by him are primarily based upon seriously disputed questions of fact, this petition is disposed of with liberty to the petitioners to raise all the contentions before the learned trial Court at an appropriate stage and the same shall be gone into in accordance with law.

However, in the backdrop of the allegations and counter-allegations contained in the cross-cases, it is further directed that the petitioners may surrender before the learned trial Court on the date fixed i.e. 14.5.2007 and furnish requisite bail bonds to its satisfaction, upon which they will be admitted to regular bail.

May 07, 2007 **(SURYA KANT)**
poonam **JUDGE**